

Pamela J. Sears (0012552)  
Attorney for Putative Defendants  
John Doe Corrections Officers 1-5  
Hamilton County Sheriff's Department  
Hamilton County Board of Commissioners

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

<b>CHRISTINA L. MARCUS, Special</b>	<b>:</b>	<b>CASE NO.</b>
<b>Administrator of the Estate of Eric P.</b>	<b>:</b>	
<b>Marcus</b>	<b>:</b>	
	<b>:</b>	
<b>Plaintiff,</b>	<b>:</b>	<b>Judge:</b>
	<b>:</b>	
<b>vs.</b>	<b>:</b>	
	<b>:</b>	
<b>JOHN DOE 1 et. al.,</b>	<b>:</b>	<b>NOTICE OF REMOVAL</b>
	<b>:</b>	
<b>Defendants.</b>	<b>:</b>	
	<b>:</b>	

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**TO:**

**Christina L. Marcus**

**Serve:**

J. Robert Linneman  
H. Louis Sirkin  
Santen and Hughes  
600 Vine Street, Suite 2700  
Cincinnati, OH 45202  
*Attorneys for Plaintiff, Christina L. Marcus*

**PLEASE TAKE NOTICE** that a Notice of Removal of the above-styled action from the Hamilton County, Ohio Court of Common Pleas, to the United States District Court for the Southern District of Ohio, Western Division at Cincinnati has been filed with the United States District Court. A copy of the Notice of Removal is being served upon you, and a copy of the

Notice of Removal is being filed with the Clerk of Courts, Hamilton County, State of Ohio, in conformity with 28 U.S.C. Section 1446(d).

As grounds for removal, the putative Defendants, John Doe Corrections Officers 1-5, Hamilton County Sheriff's Office, and the Hamilton County Board of Commissioners (hereinafter "County Defendants") state that the United States District Court, Southern District of Ohio has federal question jurisdiction over the claims asserted in Plaintiff's Complaint. Specifically, 28 U.S.C. Section 1441(a) governs federal question jurisdiction, and provides:

Except as otherwise expressly provided by Act of Congress, any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending.

Furthermore, 28 U.S.C. Section 1337(a) governs supplemental jurisdiction, and states that "in any civil action of which the district courts have original jurisdiction, the district courts shall have supplemental jurisdiction over all other claims that are so related to claims in the action within such original jurisdiction that they form part of the same case or controversy."

Plaintiff filed her Complaint as special administrator for the estate of Eric P. Marcus on August 21, 2023, asserting claims of alleged violations of Eric Marcus's constitutionally protected civil rights pursuant to 42 U.S.C. Section 1983, thus instituting federal question jurisdiction. Plaintiff also asserted a state claim for wrongful death which formed from the same case and controversy as the alleged constitutional violation. As such, the Federal District Court possesses supplemental jurisdiction over these supplemental state claims.

Putative County Defendants were served with a copy of the Complaint on August 23, 2023. Accordingly, and pursuant to 28 U.S.C. 1446(b), County Defendants filed this Notice of

Removal in the District Court together with a copy of all process, pleadings, and orders served upon it in the state court action.

Respectfully submitted,

*/s/ Pamela J. Sears*

Pamela J. Sears (0012552)  
Kathleen C. Fischer (0087937)  
Assistant Prosecuting Attorneys  
230 East Ninth Street, Suite 4000  
Cincinnati, Ohio 45202  
(513) 946-3082 Sears  
(513) 946-3108 Fischer  
(513) 946-3018 fax  
[Pam.sears@hcpros.org](mailto:Pam.sears@hcpros.org)  
[Kathleen.fischer@hcpros.org](mailto:Kathleen.fischer@hcpros.org)  
Trial Attorneys for Putative County Defendants

**CERTIFICATE OF SERVICE**

I hereby certify that on Tuesday September 12, 2023 I electronically filed the foregoing with the Clerk of Courts using the CM/ECF system which will send notification of such filing to all counsel of record. Copies of the foregoing were also sent by ordinary U.S. Mail and email to the following:

J. Robert Linneman  
H. Louis Sirkin  
Santen and Hughes  
600 Vine Street, Suite 2700  
Cincinnati, OH 45202  
[hls@santenhughes.com](mailto:hls@santenhughes.com)  
[jrl@santenhughes.com](mailto:jrl@santenhughes.com)

*Attorneys for Plaintiff, Christina L. Marcus*

*/s/ Pamela J. Sears*

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